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10/029,583	12/20/2001	Theodore I. Kamins	10018774-1	4949

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

MCDONALD, RODNEY GLENN

ART UNIT	PAPER NUMBER
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1753

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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20070222

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Commissioner for Patents

This letter is in response to the Remand of January 31, 2007 which requires the Examiner to

(1) Notify the Appellants that the Reply Brief is not in compliance with 37 CFR 41.41(a)(2005) so that Appellants have an opportunity to comply with the Rule; and provide, upon compliance with the Rule, a Supplemental Answer Furnishing a complete response addressing any new arguments directed to the appealed claims submitted in a compliant Reply Brief; or in the alternative

(2) Reopen prosecution if the Examiner desires to enter and consider new evidence furnished with a paper styled "Reply Brief".

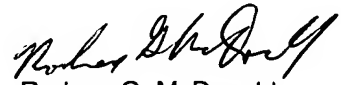
Upon consideration of the Remand and Appellant's reply Brief, the reply brief filed on December 22, 2005 has not been considered because it is not in compliance with 37 CFR 41.41(a). The reply brief is not in compliance with 37 CFR 41.41(a) because it provides "new evidence" on pages 3, 4, 6 which was not of record previously. Appellant has provided a figure to support Appellant's position which was not of record previously. The new evidence attempts to support reasoning provided by Appellant in the Reply Brief on pages 3, 4 and 6. Appellant is direct to comply with rule 37 CFR 41.41(a) which states

1) Appellant may file a reply brief to an examiner's answer within two months from the date of the examiner's answer.

(2) A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See § 1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and § 41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.

(b) A reply brief that is not in compliance with paragraph (a) of this section will not be considered. Appellant will be notified if a reply brief is not in compliance with paragraph (a) of this section.

(c) Extensions of time under § 1.136 (a) of this title for patent applications are not applicable to the time period set forth in this section. See § 1.136 (b) of this title for extensions of time to reply for patent applications and § 1.550 (c) of this title for extensions of time to reply for ex parte reexamination proceedings.


Rodney G. McDonald
Primary Examiner
Art Unit: 1753